

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 539/95 & OA No. 1013/95

Monday, this the 12th day of August, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

OA No. 539/95:

1. V.K. Vijayakumari,
Extra Departmental Branch Postmaster,
Kadappattoor PO, Arunapuram - 686 574
residing at Vilayath House,
Kadappattoor PO,
Arunapuram - 686 574 .. Applicant

By Advocate Mr. P.C. Sebastian

Versus

1. The Senior Superintendent of Post Offices,
Kottayam Division, Kottayam.
2. The Sub Divisional Inspector of Post Offices
Palai Sub Division, Palai.
3. The Director of Postal Services
Central Region, Kochi - 682 016 .. Respondents

By Advocate Mr. KS Bahuleyan for Mr. TPM Ibrahim Khan, SCGSC

OA No. 1013/95:

1. C.K. Purushothaman,
Extra Departmental Mail Carrier,
Kizhathadiyoor PO,
Arunapuram, Palai - 686 574 .. Applicant

By Advocate Mr. T.H. Chacko

Versus

1. The Senior Superintendent of Post Offices,
Kottayam Division - 686 001
2. The Sub Divisional Inspector of Post Offices,
Palai Sub Division, Palai.
3. The Regional Director of Post Offices,
Central Region, Kochi - 682 016
4. The Post Master General,
Central Region, Kochi - 682 016

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5. V.K. Vijayakumari,
Provisional Extra Departmental
Branch Post Master, Kadappattoor. .. Respondents
- By Advocates Mr. MHJ David J, ACGSC (R1-4) and
Mr. PC Sebastian (R5)

The applications having been heard on 12-08-1996,
the Tribunal on the same day delivered the following:

O R D E R

Applicant in OA 1013/95 (Purushothaman) challenges
the appointment of the applicant in OA 539/95 (Vijayakumari),
and applicant Vijayakumari challenges an order cancelling her
appointment.

2. While applicant Vijayakumari was working as Extra
Departmental Delivery Agent at Keezhoor in Vaikom Sub
Division, she was transferred and appointed as Extra
Departmental Branch Postmaster, Kadappattoor. This is said to
be in accordance with a letter of the Department No.43/27/85PEN
(ED&TRG) dated 12.9.1988. That reads:

"when an Extra Departmental post falls vacant in the
same office or in any office in the same place and if
one of the existing Extra Departmental Agents prefers
to work against that post, he will be allowed to be
appointed against the vacant post..."

3. This letter is extremely vague in the sense that
expressions like 'same office' or 'same place' could receive
any number of interpretations as the expressions do not connote
anything definite. In an earlier case (OA 325/94) we directed
the department to clarify this expression. That was done by
Annexure R3(A) order (in OA 539/95), stating that 'same place'
or 'same office' means the 'same recruiting unit'.

4. Resolution of one confusion, has been the creation of another. The expression 'recruitment unit' has now been differently understood by two authorities. According to the Superintendent of Post Offices, it means a 'division' and according to the Director of Postal Services, it means a 'sub division'. In this view, the Superintendent of Post Offices upheld the transfer of applicant Vijayakumari from Vaikom Sub Division to Palai Sub Division, as both are sub divisions in the Kottayam Division. The Director of Postal Services felt that 'recruitment unit' is a sub division and not a division, and invalidated the order of the Superintendent of Post Offices. The fact is that the expression 'recruiting unit' is not defined in any of the orders (so say the counsel appearing for parties and the two Standing Counsel appearing for the department). Again when an existing employee goes from one unit, place or recruitment unit to another, by ordinary understanding of things it can only be by the device known as transfer. Again to make confusion confounded worse, the department uses the word 'appointment'.

5. In this context, it is unfortunate that expressions like transfer, appointment, promotion, etc. which have definite legal connotations are used at random without specific or clear intendment. A department which is governed by several rules and orders (a whole set of 12 volumes of Post & Telegraph Manual, Statutes, EDDA Conduct Rules, a large number of Office Memoranda and even larger number of letters issued by the Director General) have not cared to define a simple expression like 'recruiting unit'. Much judicial time is wasted on interpreting orders expressed in vague terms, by those who have not been able to translate into words their own thoughts.

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6. The Head of the Department must take the responsibility for this situation and remedy it.

7. In the facts and circumstances of the case, the Director General will clarify:

- (i) the meaning of the expression 'recruiting unit' in respect of the different posts comprised in the category of Extra Departmental Agents; and
- (ii) whether the placement of an Extra Departmental Agent in one Post Office to another, in terms of his letter No.43/27/85-PEN (ED&TRG) dated 12.9.1988, is to be treated as a transfer or as an appointment.

He will also do well to refer to a competent agency the question of simplifying or streamlining the whole mess of rules, regulations, orders and letters which regulate the functioning of the department, or which sometimes throw the functioning of the department out of gear. The direction hereinbefore will be complied with by the Director General within ninety days from today and his views communicated to departmental officials, particularly respondent Superintendent of Post Offices, Kottayam.

8. Status quo as of today will be maintained till a clarification is issued by the Director General of Posts and consequential action taken by respondent Superintendent of Post

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Offices, Kottayam. It will be done within one month of the date of the clarification issued by the Director General of Posts.

9. Applications are disposed of as aforesaid. Parties will suffer their costs.

Monday, this the 12th day of August, 1996

Chettur Sankaran Nair
CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

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